

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America)
v.)
Jose Luis Nieblas Lucero,) Case No.
a.k.a.: Jose Luis Nieblas-Lucero,)
a.k.a.: Jose Luisnieblas Lucero,)
(A202 154 318))

Defendant

17-372 MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of September 2, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Jose Luis Nieblas Lucero, an alien, was found in the United States of America at or near Scottsdale, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near El Paso, Texas, on or about December 19, 2014, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts: **See Attached Statement of Probable Cause**

Incorporated by Reference Herein

AB

REVIEWED BY: AUSA Amy Brown for SAUSA Ryan J. Goldstein

Continued on the attached sheet.



Complainant's signature

Steven T. Case,
Deportation Officer

Printed name and title

Sworn to before me and signed telephonically.

Date: September 4, 2017 *c 1502 hrs*

City and state: Phoenix, Arizona

Michelle H Burns

Judge's signature
Michelle H. Burns,
United States Magistrate Judge

STATEMENT OF PROBABLE CAUSE

I, Steven T. Case, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On September 2, 2017, Jose Luis Nieblas Lucero was encountered during a traffic stop by the Salt River Police Department on the Salt River Indian Community near Scottsdale, Arizona. The Law Enforcement Support Center was notified of Nieblas Lucero's arrest and contacted the Phoenix ICE Law Enforcement Agency Response (LEAR) Unit for assistance. LEAR Deportation Officer Schneider telephonically determined Nieblas Lucero to be a citizen of Mexico, illegally present in the United States. On the same date, Nieblas Lucero was transported to the Phoenix ICE office for further investigation and processing. Nieblas Lucero was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.

3. Immigration history checks revealed Jose Luis Nieblas Lucero to be a citizen of Mexico and a previously deported criminal alien. Nieblas Lucero was removed from the United States to Mexico at or near El Paso, Texas, on or about December 19, 2014, pursuant to an order of removal issued by an immigration official. There is no record of Nieblas Lucero in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Nieblas Lucero's immigration history was matched to him by electronic fingerprint comparison.
4. Criminal history checks revealed that Jose Luis Nieblas Lucero was convicted of Conspiracy to Violate 21 U.S.C. Sec. 841(b)(1)(D), a felony offense, on December 18, 2014, in the United States District Court, District of New Mexico. Nieblas Lucero was sentenced to one hundred fifteen (115) days' imprisonment. Nieblas Lucero's criminal history was matched to him by electronic fingerprint comparison.
5. On September 2, 2017, Jose Luis Nieblas Lucero was advised of his constitutional rights. Nieblas Lucero freely and willingly acknowledged his rights and agreed to provide a statement under oath. Nieblas Lucero stated that his true and complete name is Jose Luis Nieblas Lucero and that he is a citizen of Mexico. Nieblas Lucero stated that he illegally entered the United States "MARSO 01-2015," through Douglas, Arizona. Nieblas Lucero further stated that he had been removed from the United States

to Mexico once and did not receive permission from the Secretary of the Department of Homeland Security to re-enter the United States after his removal

6. For these reasons, this affiant submits that there is probable cause to believe that on or about September 2, 2017, Jose Luis Nieblas Lucero, an alien, was found in the United States of America at or near Scottsdale, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near El Paso, Texas, on or about December 19, 2014, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).

Steven T. Case
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed telephonically
this 4th day of September, 2017.

Michelle H. Burns
Honorable Michelle H. Burns,
United States Magistrate Judge